

FREDERICK COUNTY PLANNING COMMISSION
Meeting Minutes
September 15, 2010

1:00 P.M.

AFTERNOON SESSION

Commission Members Present:

Richard Floyd

Catherine Forrence

Kai Hagen, BoCC Liaison

Robert Lawrence

John McClurkin

Robert White

Audrey Wolfe

Planning Staff Present:

Michael Chomel, Senior Asst. Co. Attorney

Janet Davis, Historic Preservation Planner

Mark Depo, Deputy Director, Div. of Planning

John Dimitriou, Principal Planner

Tim Goodfellow, Principal Planner

Jim Gugel, Chief Planner, Planning

Dial Keju, Transportation Planner

Shawna Lemonds, Project Manager, Planning

Beth Pasierb, Facilities Planner, Fred. Co. Public Schools

Eric Soter, Director, Div. of Planning

John Thomas, Principle Transportation Planner

CHAIR FORRENCE BROUGHT THE MEETING TO ORDER AT 1:00 P.M.

ELECTION OF OFFICERS

- a. **Pursuant to Rules and Procedures, Section 2- Officer and Committees, sub-section 2.1, the Commission shall organize annually in the month of September to elect a Chair, Vice Chair, and Secretary.**

Ms. Forrence called for nominations for Chair, Vice Chair, and Secretary.

MOTION: Mr. Lawrence made a motion nominating Mr. White as Chair, Mr. McClurkin as Vice Chair, and Mr. Floyd as Secretary, 2nd by Ms. Wolfe.

Lawrence/2nd Wolfe - Approved 7-0-0-0

Yeas-7 (Lawrence, Wolfe, White, Hagen, Forrence, Floyd, McClurkin), Nays-0, Abstain- 0, Absent- 0

NEWLY APPOINTED CHAIR WHITE PRESIDED OVER THE MEETING FROM THIS POINT ON.

MINUTES

- a. **August 11, 2010**

MOTION: Ms. Forrence made a motion to approve the August 11, 2010 minutes, 2nd by Ms. Wolfe.

Forrence/2nd Wolfe - Approved 7-0-0-0

Yeas-7 (Forrence, Wolfe, White, Hagen, Lawrence, Floyd, McClurkin), Nays-0, Abstain- 0, Absent- 0

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EDUCATIONAL FACILITIES MASTER PLAN

- a. **2010 Educational Facilities Master Plan** – The Division of Planning Staff presented an overview of the 2010 Educational Facilities Master Plan on behalf of the Board of Education to request a Planning Commission finding of consistency with the County Comprehensive Plan.

Staff Findings/Recommendations:

Based on a review of the adopted Frederick County Comprehensive Plan, the Planning Staff makes the following findings with regard to the 2010 Superintendent's Recommended Educational Facilities Master Plan:

1. The location and the number of new capacity projects proposed in the Educational Facilities Master Plan conform to the policies and guidelines contained within the Frederick County Comprehensive Plan.
2. The Educational Facilities Master Plan generally conforms with the appropriate policies within the Frederick County Comprehensive Plan.

Staff recommends that the Frederick county Planning Commission find the 2010 Superintendent's Recommended Educational Facilities Master Plan consistent with the Frederick County Comprehensive Plan.

Staff Presentation:

Shawna Lemonds presented the Staff report. Beth Pasierb, Facilities Planner with Frederick County Public Schools was available for questions.

Discussion:

Mr. Floyd commented on the title of the document as being the Superintendent's Recommended Plan and questioned whether the plan would come back to the Commission for further review with changes due to the upcoming change in superintendents.

Ms. Pasierb stated the plan is the current Superintendent's recommended plan which will go before the Board of Education that evening and action will be taken on it at the BOE's following week's meeting. She added that the current Superintendent is not scheduled to retire until July 2011 and the plan is updated annually and will be presented again this same time next year.

Ms. Forrence questioned what the goal is for modernization and whether Frederick County Public Schools (FCPS) considers the facility maintenance and systemic renovations as part of the modernization of a building under the FCPS funding.

Ms. Pasierb explained that what is considered is the physical plan of a building and whether the curriculum such as pull-out reading intervention can be provided in the current conditions. She stated that the current plan includes several projects that are considered modernization projects although they are not labeled as such on the current plan based on feasibility studies and further analysis. She pointed out several examples.

Mr. White stated that there are 21 schools in the plan that have a capacity of 100% or higher and questioned the basis for deciding when to re-district.

Ms. Pasierb stated that the BOE has a policy at each level and the goal is to aim at 90% system wide capacity. At the high school and middle school levels, she stated they have attained that goal. At the elementary school

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level, they are at 94% and stated that even if they are able to get funding for the listing of schools project in the plan, at the end of ten years they will still be at 94% because of the anticipated enrollment. She added that Frederick County is so geographically large that it is difficult to use redistricting as a sole solution to capacity issues although they try to when they can. In most cases, it is dependent upon whether additions were considered and constructed first.

Mr. Lawrence, in relation to joint use of facilities, questioned the amount of coordination that exists between the FCPS and agencies such as the Health Department or Libraries in planning of school needs and construction timelines. He also asked whether there was some type of overlay map or diagram in existence within the County that shows the proposed joint purpose facilities and associated agency plans and timelines.

Ms. Lemonds stated currently there is no such document.

Ms. Pasierb stated FCPS has conversations with other agencies. She stated, to date, FCPS has not found an opportunity for a shared use facility with the Library. However FCPS has a partnership with County Parks and Recreation for joint use facilities located within several schools. When FCPS prepares their Capital Improvement Plan (CIP), they coordinate with Parks and Recreation. FCPS also has instituted a community health facility within Hillcrest Elementary School in collaboration with the Health Department. Ms. Pasierb added that in general, Frederick County schools are used daily by community groups.

Mr. McClurkin questioned the reasoning for the plan for construction of a new elementary school in Urbana before the plan for an addition to the present Urbana Elementary School to address capacity issues.

Ms. Pasierb stated additional seats are needed in Urbana. The addition/modernization of the current school will add only approximately 70 additional seats. Because of the need to renovate and modernize the facility, it is difficult to renovate while the school is occupied and the new school needed to achieve additional seats. FCPS thought it might be better to build the new school, move the students into the new building much like they did with the high school, and then renovate the current school. A feasibility study is in the plan.

Public Comment:

None

MOTION: Ms. Forrence made a motion to find the plan consistent with the County Comprehensive Plan, 2nd by Mr. Floyd.

Forrence/2nd Floyd - Approved 7-0-0-0

Yeas-7 (Forrence, Floyd, Wolfe, White, Hagen, Lawrence, McClurkin), Nays-0, Abstain- 0, Absent- 0

MOTION: Mr. McClurkin made a motion to forward to the Board of Education, the Staff's comments and recommendations of the Superintendent's Recommended Educational Facilities Master Plan, 2nd by Ms. Forrence.

McClurkin/2nd Forrence - Approved 7-0-0-0

Yeas-7 (McClurkin, Forrence, Lawrence, Floyd, Wolfe, White, Hagen), Nays-0, Abstain- 0, Absent- 0

WATER AND SEWERAGE SUMMER 2010 CYCLE

The following are requests to amend the County Water & Sewerage Plan, for the purpose of determining consistency with the County Comprehensive Plan.

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- a. **WS-10-09 Town of New Market-** Requesting reclassification from W-5 to W-3 for Health emergency; Tax Map 801, Parcel 3884, Lot 2 (Town Comp. Plan: LDR, Town Zoning: R-1)

Staff Findings/Recommendations:

Staff recommends the Planning Commission make a finding of consistency with the Comprehensive Plan.

Staff Presentation:

Tim Goodfellow presented the staff report.

Discussion:

Mr. Floyd, considering the health issue, questioned whether cost analysis was considered for mediation through water treatment versus the water tap.

Staff was unable to address the specific question but Mr. Goodfellow stated he would attempt to find out from the Health Department. He stated the new water line is directly in front of the property and each property has the potential to connect, thus connection was deemed to be the most reliable way to address the issue.

Mr. McClurkin questioned whether the property owner submitted this request or whether the Health Department is recommending the connection.

Mr. Goodfellow stated the property owner initiates the request through the Town and the Town makes the formal application on behalf of the property owner. But the Health Department recommended the County process the request as an emergency. The property owner was not present.

Public Comment:

None

MOTION: Ms. Forrence made a motion for a finding of consistency with the Comprehensive Plan, 2nd by Ms. Wolfe.

Forrence/2nd Wolfe - Approved 7-0-0-0

Yeas-7 (Forrence, Wolfe, Floyd, White, Hagen, Lawrence, McClurkin), Nays-0, Abstain- 0, Absent- 0

MAP AMENDMENT

- a. **R-10-01- Stadler Garden Center-** A Public Hearing for a piecemeal Rezoning application for an existing garden center parcel of approximately 5 acres from Agricultural to General Commercial to correct a mapping error which occurred during the update of the Comprehensive Plan; Tax Map 85, Parcel 199.

CHAIR WHITE SWORE IN ALL PERSONS WISHING TO SPEAK ON THE MATTER.

Staff Findings/Recommendations:

Staff recommends approval of the request for General commercial zoning of Tax Map 85, Parcel 199 based on the following findings:

1. The findings described in section IX- Summary of Findings.

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2. The intent of the BoCC to apply the General Commercial land use plan designation and zoning was specifically expressed and decided during the 2010 countywide comprehensive plan update process a majority vote (3-2.)
3. After the BoCC specifically voted to apply the General Commercial land use plan designations and zoning, at no time is there any record of a reversal of that decision between the time the specific vote was taken and the Zoning Map was presented for final adoption.

Staff Presentation:

John Dimitriou and Jim Gugel presented the Staff report.

Public Comment:

None

MOTION: Ms. Forrence made a motion recommending that the mapping error be corrected and that zoning be changed from Agricultural to General Commercial on the 4.978 acre property, based on Staff's findings and recommendation, 2nd by Mr. Floyd.

Forrence/2nd Floyd - Approved 7-0-0-0

Yeas-7 (Forrence, Floyd, White, Wolfe, Hagen, Lawrence, McClurkin), Nays-0, Abstain- 0, Absent- 0

PARKS AND RECREATION MASTER PLAN

- a. **Brunswick/Jefferson Area Regional Master Plan** – Presentation The Division of Parks and Recreation will present an overview of the proposed Brunswick/Jefferson Area Regional Park Master Plan.

Staff Findings/Recommendations:

The Preliminary Master Plan, a result of a series of meetings with the Master Plan Committee between September 2009 and June 2010, proposes to incorporate natural and cultural features into the park plan creating a regional park that emphasizes natural preservation while accommodating active recreation needs. Approximately 57% of the 214 acres will be maintained as natural, conservation, and/or passive recreation areas. A trail network is proposed throughout the park, providing access to natural areas and linking to areas of active recreation. In addition to the pedestrian trails, a "loop road" will provide vehicular circulation serving the central and western portions of the site. Complementing the natural and passive elements of the park, the Plan includes a variety of athletic fields and active recreation facilities, grouped in four distinct areas of the park. Other amenities include proposed preservation of the existing farmhouse, barn, corn crib, and "yard" incorporating the farm buildings.

The Division of Parks and Recreation recommend the Planning Commission review the proposed plan and provide non-binding comments.

Staff Presentation:

Paul Dial, Director of the Division of Parks and Recreation along with Tom McGilloway and Ryan Cosgrove of Mahan-Rykiel Associates presented the Preliminary Master Plan. Mr. Dial also recognized Jackie Ebersole, Burgess of the Town of Rosemont, and Charlotte Davis, Park and Recreation Commission member, as participating on the Advisory Committee.

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Discussion:

The Planning Commission via consensus commended Parks and Recreation on the design of the park and its coverage of such a broad spectrum of activities and interests and stated this design should be used as a model for future proposals.

Mr. White stated, in reference to historic barn structure on the site, that the Planning Commission have tried to encourage preservation of such structures and maintain them within their historical context and commended Parks and Recreation and their associates on their development and approach to this site.

Mr. McGilloway stated there still needs to be a detailed eligibility of determination and that they have worked with Ms. Davis, County Historic Preservation Planner and have had several correspondences with the Maryland Historic Trust throughout the process.

Mr. Lawrence questioned the plans for the barn and other structures on the site.

Mr. Dial stated the barn and the corn crib could work into the maintenance yard and would be part of maintenance area like done on other parks. They have considered several options for the house such as a possible caretaker's house or office or possible use as a meeting space. A final use has not yet been determined but sated the Maryland Historical Trust urged Parks and Recreation to consider keeping the structure within the parcel.

Mr. McGilloway added the goal is to stabilize the structures to allow the flexibility for such possible uses.

Mr. Lawrence suggested the possibility of connecting the primitive trails on the east and west sides the park to prevent people from having to go back onto the paved portions or the main road.

Mr. Dial stated what is shown of the drawing is a concept design of the trails. The actual trail will need to be detailed in the field but that Staff will note Mr. Lawrence's suggestion.

Mr. Floyd questioned whether the comfort stations will include waterless composting toilets part of the design.

Mr. Dial stated that is one of the options considered but has not yet been determined. He added that my may be a likelihood in order to go along with the theme and intent of the park design.

Mr. McClurkin questioned what type of material will be utilized for paving the paved trails.

Mr. Dial stated they plan to investigate the options of porous concrete or porous asphalt as they go through the process.

Mr. McGilloway stated that ultimately there may be a combination of the two but the options will have to be evaluated for cost effectiveness. The use of porous paving may be limited to preserving the parking areas.

Mr. White suggested that any possible places that pervious surfaces can be utilized would be advantageous.

Mr. Lawrence questioned the percentage of forest cover will be anticipated.

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Mr. McGilloway stated 25 % is the obligation to have natural areas as required by the Department of Natural Resources (DNR) but currently have approximately 45% planned (approximately 57% including the meadows). They have done a preliminary grading plan so that they could see where they could plant.

Mr. Lawrence suggested talking to the State about helping to get some of the forest planted now.

Mr. McClurkin commented that the tennis courts and basketball courts are on the highest point on the property and are planned to be lighted. He questioned the reasoning for the location of the courts, whether the ball fields would also be lighted and about the lighting plan, in general, for the project.

Mr. McGilloway stated the plan allows for lighting of the ball fields, although they will not be initially, but that it will be evaluated as each plan is built. The tennis court and basketball courts will be lighted. Their locations were selected because it allows for those and other amenities close to the perimeter of the park to be lighted and open into the evening hours while other parts the park are closed. Other lighting is along the roadway at all of the main intersections and decision points. There will also be some street lighting. However, the streets will not be lined with lights.

Mr. Dial added that in working with the State, they have tried to do things with the "Dark Skies Approach" and use of innovative technologies. New lighting was recently installed at one of Little League Fields in the County (Brunswick) and the Advisory Committee was taken there to view the lighting and the technology used to shield the light and keeping it down on the field while not illuminating the sky or bleeding out along the sides of the area. He stated the Advisory Committee was pleased and comfortable with the technology and allowing it on the plan. Mr. Dial noted that the lighting may not occur for several years, as they have many parks that have lights on the master plans for 10-15 years that are still in the early stages and have yet to be installed. So if it happens it will be in later years of development when technology may be even better.

Mr. McClurkin questioned whether the park would be gated and the anticipated usage of the park.

Mr. Dial stated the park will be gated like several of their other substantial parks and will have closing hours. He stated there has not been a park in this region of the County specific to the Rosemont, Brunswick, Point of Rocks & Jefferson areas before so they anticipate it will have substantial usage. A lot of interest has been conveyed from the different municipalities, communities and organizations.

The Planning Commission commended Mr. Dial and associates on the mention and use of the "Dark Skies Technology". Mr. Hagen added that for further information on the topic, the general public can research "Dark Skies Technology", related topics and associated organizations and by going online.

Mr. Dial concluded by recognizing Mark Depo, Deputy Director of the Division of Planning as working with them and participating on the Advisory Committee as well. Under the direction of the Eric Soter, Planning Director, Parks and Recreation now have a member of the Planning Staff participate in their master plan process.

Public Comment:

None

ACTION: *No Formal Action Required- Informational Item Only*

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COMMUNITY AND CORRIDOR PLANNING

- a. **Community and Corridor Planning Process-** Staff presented an overview of the planning process for the community and corridor plans. The BoCC provided direction to staff to initiate work on a Jefferson community plan and to begin the background work for the MD 85/355 corridor plan.

Purpose and Benefits:

The 2010 County Comprehensive Plan established a new planning process that will allow plan updates to occur at three levels: County Plan, Community Plans, and Corridor Plans. This process replaces the region plan updates, which has been practiced since 1984. The Community and Corridors plans will focus on the unincorporated growth areas, where the County has jurisdiction over the zoning, water/sewer service etc. The process for preparing a community/corridor plan will generally be consistent with previous region updates with the most significant difference being the public participation component. This process will produce a standalone plan document that would result in an amendment the 2010 Countywide Comprehensive plan. The amendments may include revisions to the land use plan designations, zoning, and community growth boundaries or to transportation and community facilities. The Purpose and benefits of the Community and Corridor plans is:

- Explore in greater detail physical plans, design concepts, redevelopment opportunities, and development staging.
- Identify and prioritize specific community-wide capital projects, i.e. bicycle/pedestrian facilities, way findings/signage, road improvements, etc.
- Address the issues and opportunities identified in the County Comprehensive Plan
- Allow for revisions to the community growth boundaries, land use designations, and zoning
- Allow for greater community involvement
- Identify recommendations and action items to implement the plan

Proposed Plans

At a work session on August 24, 2010 the Board of County Commissioners (BoCC) provided direction to initiate background preparation for the MD 85/355 Corridor Plan and the preparation of a Jefferson Community plan. The Jefferson community, which never went through the small area plan process under the previous region plan updates, has the following issues that would be addressed:

- Appropriate development of the Village Center property at the MD 180/Holter Rd. Intersection
- Design concepts for "Main Street" to facilitate sidewalk and streetscape improvements
- Expansion of the Village Center concept in the southern end of the community along MD 180
- Develop specific developments staging plan relative to existing and planned water/sewer capacity

Staff Presentation:

Jim Gugel presented the Staff report.

Discussion:

Mr. White commented that the area focused on the proposed MD 85/355 Corridor Plan is also the new East Frederick Rising area within Frederick City. He hopes the work that is done there is worked in conjunction with the City's plans as they are developed and become complimentary to each other.

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Mr. Gugel stated as a study area is identified, although the study detail may be confined to that study area, there may be issues such as transportation that may require Staff to look outside that area and to possibly open up coordination with the municipalities.

Mr. White stated that because of the MD 85/355 corridor spreading southward, there may be the need to work on it in sections developing a plan for those sections and then roll on to the next portions as appropriate.

Mr. Gugel stated his hopes to avoid what he calls “corridor creep” because of this corridor being so vast and the potential for the ability to get the kind of detail desired is lost. He stated that segmentation of the corridor may be best. He stated the MD 85/355 is a larger area than what was identified in the new mixed use designation in the 2010 Plan. It will likely bump up to I-70, I-270, the Monocacy Battlefield and roughly, the Genstar Quarry.

Mr. White questioned how far into the future is the outlook of the County’s MD85/355 Corridor plan being the City’s development plan has a 30-50-year outlook and whether the quarry would be included in the plan as a redevelopment area.

Mr. Gugel stated he has had talks with the quarry representatives and they anticipate the life expectancy time frame of the quarry as being 50-100 years. Although the quarry is physically outside the study area, and the that timeframe is beyond the typical 20 year planning horizon that the County uses, the issue of the quarry property will still need to be addressed to some degree in terms of street networks and compatibility issues.

Mr. Lawrence commented that all of the corridor plans appear to radiate from the Frederick City limits and questioned the rationale of not considering other areas of the County.

Mr. Gugel stated that the obvious focus is where these corridors are part of growth areas.

Public Comment:

None

ACTION: *Informational Item – No Formal Action Required*

BREAK 3:03 P.M. THE MEETING RESUMED AT 3:13 P.M.

BICYCLE AND PEDESTRIAN PLAN

- a. **Bicycle and Pedestrian Plan Update** – Staff briefed the Planning Commission on the scope of work and schedule for the update of the 1999 Countywide Bikeways & Trails Plan, now renamed the Countywide Bicycle and Pedestrian Plan and the formation of an ad-hoc Bicycle Pedestrian Plan update Advisory Committee.

Staff Presentation:

John Thomas presented the Staff Report.

Purpose and Benefits:

The update of the plan is identified as a specific action item in the 2010 Countywide Comprehensive Plan. The plan update will include the following:

- Review of related goals, policies and action items;

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- Existing conditions report including existing & previously planned facilities, usage & demand, and crash analysis
- Significant public involvement including a voluntary ad-hoc Bicycle Pedestrian Plan Update Advisory Committee (BPAC) to provide input during the plan update process;
- Identification & prioritization of a broad range of related infra-structure and non-infrastructure projects and updates to previously identified projects;
- Detailed descriptions of high-priority projects;
- Proposed countywide network recommendations;
- Updates to design and implementation on guidance (where needed) including:
 - Pedestrian & On-Street Bicycle facility infrastructure
 - School Signage and marking
 - Recommended updates to the County Streets and Roads Design Manual
 - Operations, maintenance and liability;
- Implementation & funding opportunities

Staff Findings/Recommendation:

Staff recommends the Planning Commission provide any comments on the draft work program and BPAC group listing.

Discussion:

Mr. Thomas discussed and described the prioritization process involved with this update and the consideration of prioritization issues such as feasibility, implementation and the ease of implementation. Out of the top 25 potential projects considered, at that point Staff feels they would then have the time and expertise to do a detailed analysis of those specific projects so that they are ready to go into the design phase. He added that short, medium and long term timeframes will be attached to the potential projects and they plan to include wide range of varying projects.

In terms of timing, Mr. Thomas stated the proposal will go before the BoCC and the hope is to get through the process within the next 9-12 months, with the public outreach portion occurring in the fall through early winter.

Mr. Floyd questioned whether there are community groups throughout the county that will support the process of developing trails in their own area which would eventually tie into the larger plan.

Mr. Thomas stated that not only are there active committees and activities within the municipalities, the new Bike Coalition does address the issues countywide but Staff will try to incorporate the municipal plans in as much as possible. In terms of the municipalities, some of them have recent bikeways and trails plans but most do not. What they have are recent comprehensive land use plans and Staff will defer to what those municipal plans show. However, Mr. Thomas stated that when Staff holds its public outreach meeting and topics or suggestions are conveyed by the public, then Staff will then incorporate that public input as appropriate. It will be Staff's role to ensure the public outreach meetings are productive in identifying potential issues and potential projects.

Ms. Forrence offered a suggestion to add running clubs to the list of Stakeholder groups.

Mr. McClurkin questioned whether thought was given to finding ways to connect trails and publicize them for events such as bicycle races or marathons.

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Mr. Thomas stated marketing, promotion, and tourism will be addressed, and not only existing activities but other potential opportunities.

Public Comment:

None

ACTION: *Informational Item – No Formal Action Required*

ADJOURNED AT 3:28 P.M., THE MEETING RESUMED AT 7:00 P.M.

EVENING SESSION

Commission Members Present:

Richard Floyd

Kai Hagen, BoCC Liaison

Robert Lawrence

John McClurkin

Robert White

Audrey Wolfe

Commission Members Absent: Catherine Forrence

Planning Staff Present:

Mark Depo, Deputy Director, Div. of Planning

Jim Gugel, Chief Planner, Planning

Eric Soter, Director, Div. of Planning

CHAIR WHITE BROUGHT THE MEETING TO ORDER AT 7:00 P.M.

PATH – KEMPTOWN SUBSTATION REVIEW

- a. **PATH-Kempton Substation Review** – Per Article 66B, Section 3.08 the Planning Commission will make a finding of consistency with the 2010 County Comprehensive Plan on the location, character, and extent of the proposed Kempton Substation, which is part of the PATH transmission line project. This review and finding is for the substation only.

Proposal:

The PATH project proposes a 275 mile 765 kV transmission line from the AMOS substation in western West Virginia to the proposed Kempton substation in Frederick County. The project was approved in 2007 by PJM Interconnection, which is a regional (13 state area) organization responsible for ensuring reliable electric service and planning for necessary improvements. The improvements are directed to the respective power company responsible for the particular geographic areas where the improvements are identified.

Within Frederick County, the proposed transmission line will parallel and run immediately adjacent to existing transmission lines. The PATH line will require its own 200 foot right-of-way, which would be in addition to the 150-200 foot right-of-way of the existing transmission lines.

Alleghany Power has purchased two adjoining parcels (Parcel 21 and 1660 on the west side of Bartholows Road across from West Oak Drive. The total area of the two parcels is 167 acres. The Potomac Electric Power Co. (PEPCO) owns an adjoining parcel of 6.2 acres to the west of Parcel 166. The substation site has existing transmission lines running through it or adjacent to it.

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- Doubs- Brighton 500 kV Line- (owned by BG&E) connects to Doubs substation located north of Point of Rocks with the Brighton substation located in Montgomery County. The PATH transmission line will generally runs parallel to the Doubs-Brighton line as it enters the Kemptown site from the west.
- Brighton Loop 500 kV Line- (owned by PEPCO) which connects with the Doubs-Brighton line immediately to the west of the Kemptown substation site. This line runs to the southeast into Montgomery County.
- Substation- The substation is proposed to generally be centered within the site and will have a foot print of approximately 41 acres. For comparison the existing Doubs substation, north of Point of Rocks, has a developed foot print of approximately 19 acres. The substation is proposed to have a gravel surface surrounded by a chain link fence.
- Structure Heights- With the three transmission lines entering /exiting the substation, there will be eighteen (18) towers within the substation ranging in height from 130-175 feet. Other equipment for substation will have heights in the 35-55 foot range.
- Transmission Lines- There will be some relocation of the existing Doubs-Brighton line (BG&E) and the Brighton Loop line (PEPCO) to route them into the substation at four different points. The proposed PATH line will enter the substation at its western end.

The substation site is located in an area commonly referred to as Green Valley, which is bounded by I-70 to the north, MD 75 to the west and the Montgomery County line to the east and south. The green Valley area has been developing with low density residential uses, on well/septic, since the early 1970's. While the area is largely residential in character, there are still a number of properties with active agricultural uses.

- Zoning- The substation site is zoned Agricultural (A) while the adjoining properties are zoned either R-1 Low density Residential or Agricultural.
- Land Use Plan- The site is designated Agricultural/Rural on the 2010 Comprehensive Plan. Adjoining properties zoned Agricultural are also designated Agricultural/Rural. The surrounding properties with R01 zoning are designated Rural Residential.

Staff Findings/Recommendations:

Staff recommended the Planning Commission cite its reasoning related to the location, character, and extent of development of the substation in its finding of consistency with the 2010 County Comprehensive Plan. The Planning Commission should have reviewed the applicant's justification statement with regards to how it addresses the location, character, and extent of development of the substation.

Staff Presentation:

Jim Gugel presented the staff report. He noted that the finding by the Planning Commission would have no bearing on the Board of Appeals review of the Special Exception request for the Kemptown Substation but that Staff would formally forward any comments and recommendations made by the Planning Commission on to the Board of Appeals.

Applicant Presentation:

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Mr. Robert Cannon, Esq., of Saul Ewing, representing the Applicant, Potomac Edison/Allegheny Energy and its affiliates, presented the Applicant's position along with the following witnesses:

Michael Hosier, Allegheny Energy

William Keith Charles (KC) Reid, Loiederman Soltesz Associates

Michael Gogol, Allegheny Energy

The Applicant requested additional time for presentation.

The Planning Commission denied the request and allowed the Applicant the standard 15 minutes.

In order to abide by the time limitations, Mr. Cannon submitted into the record written versions of all the testimony made by the Applicants' panel.

Public Comment:

Richard Ishler, Representative for C.A.K.E.S. (Citizens Against the Kempton Electric Substation, Inc.)

Tibor Sarkady

Ginny MacColl

Ricky Young

Doug Kaplan, Representative of Sugarloaf Conservancy

Peggy Kaplan

Chad Baker

Nick Carrera

Ken Sanders

Phillip Thurston

BREAK 9:00 P.M. THE MEETING RESUMED AT 9:13 P.M. CONTINUING WITH PUBLIC COMMENT.

Paula Bunker

Alison Roark

Mary Jo Rucker

Susan Denny

Alana Wase, Representative of the Sierra Club

Lisa Jarosinski

Esther Brinkmann

Tamar Osterman, Representative of the Frederick County Association of Realtors

Cindy Putnam

Tom Kelchner

Anita Venner

Christa Palmer

Dave Fenstermacher

Brent Simmons

Andy Seyler

Chuck Kausch

Patience Wait

Kristina Bostic, Representative of Montgomery Countryside Alliance

Tim McAdoo

Anthony Allen

Patti Dougherty

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Rebuttal:

Mr. Cannon, in response to the comments made, reiterated that PJM has directed PATH to build this project. The stated the Applicant stands by its oral and written testimony with respect to no lighting, with the exception of task lighting that will be installed. He stated the references to testimony of Mr. John R. Bodenschatz before the Public Service Commission during public comment as being misquoted and corrected it as stating "in building the substation, there will be bays for potential future additional capacity." Mr. Cannon the stated there was also a comment about the requirement in the Frederick County Code regarding the request the approval of whatever is projected for the next ten years so an applicant would not have to come back for amendments to approvals and he stated that the Applicant has been very clear in stating nothing is planned for the next ten years and that the applicant has not sought any such additional approvals. Addressing the proposals position in regards to the Board of Appeals and the Applicants request for special exception approval, Mr. Cannon stated a special exception is a legislatively approved use of the property provided it does not carry a larger burden at this location than other burdens in that zone. In regards to the current proposal before the Planning Commission, Mr. Cannon stated the substation will meet each of the goals of the Frederick County Comprehensive Plan and that it will incorporate the planning framework and visions established by Maryland's Smart Growth and Sustainable Growth Act of 2009. It will not have a negative impact on surrounding natural resources and will not interfere with the any historical resources. Its location on the property already dissected by the 200 kV transmission lines will minimize its impact on Agricultural uses within the County and will have not discernable impact on traffic. It will provide the electricity service needed to enable Frederick County's future economic growth as well as the smart growth of its infrastructure and will have no negative impact effect on Frederick County's water resources.

MOTION: Mr. Floyd made a motion finding the Kemptown Substation inconsistent with the Countywide Comprehensive Plan based on the reasoning that the Applicant failed to consider the compatibility of existing surrounding land uses with the proposed substation failing to adhere to the following Comprehensive Plan Goals and Policies:

- NR-P-03 Balance public infrastructure and utility capacity needs with physical impacts to environmental features.
- NR-P-13 Focus a higher proportion of development within Community Growth Areas to protect green infrastructure land.
- MG-P-08 Encourage, and where appropriate regulate, redevelopment such that the design character and functional traits of the existing adjacent neighborhoods or districts are not diminished.
- MG-P-27 Use every available regulatory and policy tool available to ensure the community design issues are a high priority in the review of land development proposals.

Mr. Lawrence 2nd the motion but requested to amend the motion by adding incompatibility with Chapter 9 of the Countywide Comprehensive Plan specifically:

- WR-G-01 Maintain a safe and adequate drinking water supply to accommodate the needs of the current population as well as future generations.
- WR-G-02 Protect and enhance the quality of Frederick County's surface waters, ground water resources, and wetlands.

Mr. Floyd agreed to amend his motion to include additions stated by Mr. Lawrence.

Mr. White requested to amend the motion by adding inconsistency with:

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- HO-G-04 Increase investment in existing neighborhoods and rural communities through revitalization efforts.
- HO-P-08 Maintain a quality and unique character of its housing stock in existing neighborhoods and communities.
- MG-P-03 Pursue redevelopment strategies as a way to minimize the need to expand existing Community Growth Areas or establish new Community Growth Areas.
- MG-P-04 Further expansion of the designated Rural Residential areas into the surrounding Agricultural/Rural or Natural Resource areas is not permitted.
- MG-P-08 Encourage, and where appropriate regulate, redevelopment such that the design character and functional traits of the existing adjacent neighborhoods or districts are not diminished.
- MG-P-27 Use every available regulatory and policy tool available to ensure that community design issues are a high priority in the review of land development proposals.

Mr. McClurkin also requested to amend the motion by adding inconsistency with:

- AG-P-04 Support Frederick County's farming economy and farming communities and services necessary to sustain a viable agricultural industry.
- AG-P-05 Support land use initiatives to maintain and enhance Rural Communities to service the agricultural industry.
- AG-G-02 Encourage the growth of new, and the preservation of existing agricultural industries in Agricultural designated areas in order to support local farm operations.

Mr. Floyd again agreed to amend his motion to include the additions stated by Mr. White and Mr. McClurkin.

The Planning Commission voted on the motion as amended.

Floyd/2nd Lawrence - Approved 6-0-0-1
Yeas-6 (Floyd, Lawrence, White, McClurkin, Hagen, Wolfe), Nays-0, Abstain- 0, Absent- 1 (Forrence)

BEING NO FURTHER BUSINESS, THE MEETING ADJOURNED AT 10:51 P.M.

Respectfully Submitted,

Robert White, Chair

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